

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

BRIANA DEANE SALYERS and
BRITTANY DEANE SALYERS,

Plaintiffs,

v.

Case No: 2:19-cv-590-SPC-MRM

SCOTT P GUTTENBERGER,

Defendant.

_____ /

OPINION AND ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 78](#)). Judge McCoy recommends dismissing without prejudice the Amended Complaint for failure to comply with the Court's orders and failure to prosecute. Neither party has objected to the report and recommendation, and the time to do so has expired.

A district judge "may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." [28 U.S.C. § 636\(b\)\(1\)](#). The district judge "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to

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which objection is made.” *Id.* And “[t]he judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

After examining the file independently and upon considering Judge McCoy’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

ORDERED:

United States Magistrate Judge Mac R. McCoy’s Report and Recommendation ([Doc. 78](#)) is **ACCEPTED and ADOPTED** and the findings incorporated herein.

1. The Amended Complaint ([Doc. 53](#)) is **DISMISSED without prejudice** for failure to comply with the Court’s orders and failure to prosecute.
2. The Clerk is **DIRECTED** to enter judgment, deny all pending motions as moot, terminate all deadlines, and close the file.

DONE and ORDERED in Fort Myers, Florida on June 22, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record